

08/22/03

17691 U.S. PTO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

POCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
13466.2USD1	264	219000	R. DAVIS	1722

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322886792US

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I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: \_\_\_\_\_

Name: John Junkers

## DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

03917 U.S. PTO  
10/645964  
08/22/03

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 09/788,836, filed on February 20, 2001 entitled BLOCKS AND BLOCK FORMING APPARATUS AND METHOD by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
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Full Name Of Inventor	Family Name	First Given Name	Second Given Name
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Full Name Of Inventor	Family Name EBERT	First Given Name LAWRENCE	Second Given Name J.
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Full Name Of Inventor	Family Name BARTHEL	First Given Name JAMES	Second Given Name M.
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Full Name Of Inventor	Family Name BARRON	First Given Name MATHEW	Second Given Name A.
Residence & Citizenship	City EAGAN	State or Foreign Country MINNESOTA	Country of Citizenship USA
Post Office Address	Post Office Address 2272 WALL STREET	City EAGAN	State & Zip Code/Country MINNESOTA 55122/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 38 pages of specification, 32 claims, 1 page of abstract, 16 sheets of formal drawings, and 5 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 7-32 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 6 -20	0	x	\$9.00	0.00
INDEPENDENT CLAIMS 1 -3	0	x	\$42.00	0.00
			BASIC FILING FEE:	\$375.00
			TOTAL FILING FEE:	\$375.00

☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:
- ☒ Attached is a check in the amount of \$375.00
- ☐ Please charge Deposit Account No. 13-2725.

5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line the sentence:
- "This application is a divisional of application Serial No. 09/788,836, filed February 20, 2001, which application(s) are incorporated herein by reference."
7. ☐ A set of formal drawings ( sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to ReCon Wall Systems, Inc. located at Eagan, Minnesota.
10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:
16. ☒ Address all future communications to the Attention of Karen A. Fitzsimmons (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: Aug. 21, 2003

Karen A. Fitzsimmons  
Reg. No. 50,470  
KFitzsimmons:PSTkaw